



# **CITY COUNCIL AGENDA REPORT**

MEETING DATE: JUNE 21, 2004

ITEM NUMBER:

**SUBJECT:** HERNANDEZ CITY SERVICES, INC – CONTRACT RENEWAL

**DATE:** MAY 27, 2004

**FROM:** DEVELOPMENT SERVICES DEPARTMENT

**PRESENTATION BY:** JAMES GOLFOS, CHIEF OF CODE ENFORCEMENT

**FOR FURTHER INFORMATION CONTACT:** JAMES GOLFOS (714) 754-4952

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## **RECOMMENDATION:**

Staff recommends the Mayor sign the contract renewal amendment with Hernandez City Services, Inc. for FY 04-05.

## **BACKGROUND:**

At your meeting of May 17, 2004, Council voted to renew the contact with Hernandez City Services, Inc., in order to attain a full year's assessment of the program.

## **FISCAL REVIEW:**

Sufficient funds are available for the FY 04-05 cart retrieval program.

## **LEGAL REVIEW:**

To date, the City Attorney's office has not reported any legal challenges or threats of challenge to the shopping cart program or Ordinance No. 03-6.

## **CONCLUSION:**

While the amendment shows a full renewal for the FY 04-05, it may be terminated with 30 days notice.

A stylized, handwritten signature of James Golfos.

JAMES GOLFOS  
Chief of Code Enforcement

A stylized, handwritten signature of Donald D. Lamm.

DONALD D. LAMM  
Dep. City Mgr.-Dev. Services Director

ATTACHMENT: Amendment to Professional Services Agreement

DISTRIBUTION: City Manager  
City Attorney  
City Clerk (2)  
Staff (4)  
File (2)

File Name: 062104CARTRETRIVAL AMENDMENT

Date: 5/27/04

Time: 3:45 pm

## AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT

THIS AMENDMENT is made and entered into this \_\_\_\_ day of June, 2004 ("Effective Date"), by and between the CITY OF COSTA MESA, a municipal corporation (the "City") and Hernandez City Services, Inc., a California corporation ("Contractor"). City and Contractor are individually referred to herein as a "Party" and collectively referred to herein as the "Parties."

### RECITALS

WHEREAS, the Parties have previously entered into a Professional Services Agreement dated August 18, 2003 (the "Agreement");

WHEREAS, the Agreement provided that its term end on June 30, 2004;

WHEREAS, the Parties wish to extend the term of the Agreement;

NOW, THEREFORE, for valuable consideration the receipt and sufficiency of which is hereby acknowledged, the Parties hereby amend the Agreement as follows:

1. Paragraph 4.1 of the Agreement is hereby amended and replaced as follows:

This Agreement shall continue in effect until June 30, 2005, unless previously terminated as provided herein or as otherwise agreed to in writing by the parties.

2. All other provisions of the Agreement shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed by and through their respective authorized officers, as of the date first above written.

CITY OF COSTA MESA,  
A municipal corporation

\_\_\_\_\_  
Mayor of the City of Costa Mesa

ATTEST:

\_\_\_\_\_  
City Clerk

CONTRACTOR

x Enrique Hernandez  
Name and Title  
President

PROJECT MANAGER

\_\_\_\_\_  
Chief of Code Enforcement

APPROVED AS TO FORM

BY: Linda Vazquez  
for CITY ATTORNEY'S OFFICE  
CITY OF COSTA MESA